

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NIKOLAS ALEXANDRIDIS,
KHALID (DAVID) EL SHERIFF,

Plaintiffs,

v.

CIV 12-0373 JB/KBM

LEE VAUGHN, WARDEN (personal capacity);
DON RUSSELL, ASSISTANT WARDEN
FOR PROGRAMMING (personal capacity);
MIKE BETRUS, CHIEF UNIT MANAGER
(personal capacity); CORRECTIONS
CORPORATION OF AMERICA; and
FEDERAL BUREAU OF PRISONS,

Defendants.

**MEMORANDUM OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on: (i) the Honorable Karen B. Molzen, Chief United States Magistrate Judge's Proposed Findings and Recommendations on Two Pending Motions, filed May 16, 2012 (Doc. 12)("PFRD"); and (ii) Plaintiff's Response to the Proposed Findings and Recommendations on Two Pending Motions Pursuant to 28 U.S.C. § 636(b)(1), filed May 21, 2012 (Doc. 14)("Objections"). Chief Judge Molzen recommends that the Court consider Plaintiffs Nikolas Alexandridis and Khalid (David) El Sheriff's ("the Plaintiffs") Petition Requesting an Emergency Evidentiary Hearing, filed April 26, 2012 (Doc. 10)("Petition for Hearing") a request to amend the Plaintiffs' Motion for Petition Under the Religious Freedom Restoration Act (RFRA); Religious Land Use and Institutionalized Persons Act (RLUIPA); and Pursuant to 42 U.S.C. § 1983 Jury Trial Requested, Pro-Se, filed April 11, 2012 (Doc. 1)("Complaint"), but that the Court deny Plaintiffs' requests for emergency preliminary injunctive

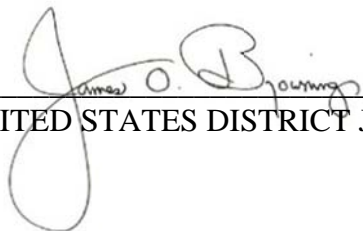
relief in the Petition for Hearing and Memorandum for Petition Seeking Court Permission to Grant Petitioners Unhindered Access and Communication to one Another While Incarcerated, filed April 26, 2012 (Doc. 11)(“Petition for Communication”) and the Petition for Hearing. See PFRD at 12.

The Plaintiffs “strenuously object” to the PFRD and reiterate a list of grievances that they believe warrant emergency relief. Objections at 1-5. The Plaintiffs also filed a motion to “correct” and “amend” their emergency petition. Memorandum to Correct Spelling and Grammatical Deficiency, and Make Amendments to the Previously Filed Petition Requesting an Emergency Evidentiary Hearing to Ascertain the Safety and Security of Plaintiffs at Their Place of Incarceration, filed May 17, 2012 (Doc. 13)(“Corrections”). Chief Judge Molzen found that the substantive aspects of the Corrections are no different than the matters she addressed in the PFRD. See Order, filed May 25, 2012 (Doc. 15). The Plaintiffs did not respond to the Order.

At the core of Plaintiffs’ request for emergency relief is their desire to be transferred to a federal facility and housed together. The Court has carefully reviewed the Objections de novo, and finds them to lack a sound basis in the law. Only Plaintiff El Sheriff signed the Objections and cites to this fact as evidence that he and co-Plaintiff Alexandridis are not permitted to communicate in prosecuting this lawsuit. This allegation, however, and the more detailed factual allegations in the Objections still show that Plaintiffs have not met the required showings for injunctive relief. See Garcia v. City of Albuquerque, 232 F.3d 760, 766-67 (10th Cir. 2000). Additionally, the Court is not certain that it has the authority to grant the Plaintiffs’ request to be transferred to a federal facility.

IT IS ORDERED that: (i) the Court adopts the Honorable Karen B. Molzen, Chief United States Magistrate Judge’s Proposed Findings and Recommendations on Two Pending Motions,

filed May 16, 2012 (Doc. 12); (ii) the Plaintiff's Response to the Proposed Findings and Recommendations on Two Pending Motions Pursuant to 28 U.S.C. § 636(b)(1), filed May 21, 2012 (Doc. 14), is overruled; (iii) the Plaintiffs Nikolas Alexandridis and Khalid (David) El Sheriff's requests for emergency injunctive relief in the Petition Requesting an Emergency Evidentiary Hearing, filed April 26, 2012 (Doc. 10), Petition for Hearing and Memorandum for Petition Seeking Court Permission to Grant Petitioners Unhindered Access and Communication to One Another While Incarcerated, filed April 26, 2012 (Doc. 11), and Memorandum to Correct Spelling and Grammatical Deficiency, and Make Amendments to the Previously Filed Petition Requesting an Emergency Evidentiary Hearing to Ascertain the Safety and Security of Plaintiffs at Their Place of Incarceration, filed May 17, 2012 (Doc. 13) are denied; and (iv) the Court will address any of the Plaintiffs' proposed amendments to the pleadings when the Plaintiffs move for leave to amend the pleadings in accordance with D.N.M.LR-CIV 15.1 ("A proposed amendment to a pleading must accompany the motion to amend.").



UNITED STATES DISTRICT JUDGE

Parties:

Nikolas Alexandridis
Khalid El Sheriff
FCI Fort Dix
Fort Dix, New Jersey

Plaintiffs pro se